

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation
of the License to Conduct Gambling Activities of:)

NO. CR 2012-01176

MKM Enterprises Inc.
d/b/a Just Left Pub & Grill
Lynnwood, Washington,

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

Licensee.

I.

The Washington State Gambling Commission issued MKM Enterprises Inc., doing business as Just Left Pub & Grill, organization number 00-20368, the following license:

Number 05-20117, authorizing Class "G" Punchboard/Pull-Tab activity.

The license expires on September 30, 2012, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1. MKM Enterprises Inc., doing business as Just Left Pub & Grill, failed to pay the required fees of \$1,173 for exceeding their Punchboard/Pull-Tab license class for their license year October 2010 to September 2011.
2. The licensee was licensed for Class "F" Punchboard/Pull-Tab activity, which allows annual gross gambling receipts up to \$500,000. The licensee made a total of \$597,508 and should have upgraded its license class to a "G" level, which would allow for \$600,000 in sales.
3. On April 11, 2012, a Commission Customer Service Specialist sent the licensee a letter and an Exceeding Class Notice identifying the following fees:

Change of Class (minus the credit for the current license)	= \$791
Change of Class Fee	= \$27
Exceeding Class Fee (50% of the difference between classes)	= \$382

TOTAL FEES DUE = \$1,173

4. The Customer Service Specialist spoke with the licensee on April 18, 2012, and was told the upgrade had not been made in error and that a payment would be made. On May 23, 2012, the payment had not been received. The Customer Service Specialist called the licensee and was told that the check was mailed; however, no payment was ever received.
5. As of September 18, 2012, these fees had not been paid.
6. Previously, Just Left Pub & Grill exceeded their license class for license years 2008-2009 and 2005-2006. The licensee paid a fine for each violation.

VIOLATIONS:

RCW 9.46.075 Denial, suspension, or revocation of license

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein, (The following subsection apply:)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, suspending, or revoking an application, license

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization,

(The following subsections apply:)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

WAC 230-06-130 Exceeding license class.

- (1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.

- (2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately:

- (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and
- (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

WAC 230-06-135 Failing to apply for license class upgrade.

(1) If licensees fail to apply for a license class upgrade and exceed the license class limit within a present or previous license year, we assess an additional fee. We charge an additional fee of up to fifty percent of the difference between the fee for the present license class and the new license class, or one thousand dollars, whichever is less.

(2) Licensees must pay any required license class upgrade fee, plus any additional fee required by subsection (1) of this section, within thirty days of our notification.

Just Left Pub & Grill's repeated failure to apply for a license class upgrade and pay the required fees for exceeding their punchboard/pull-tab license class, in violation of WAC 230-06-130(1) and (2) and WAC 230-06-135(1) and (2), demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1), and (3), grounds exist to suspend or revoke Just Left Pub & Grill's license.

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I hereby certify that I have this day saved a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or to his or her attorney or authorized agent.

Dated at Olympia, Washington this _____ day of _____, 2012.

Washington State Gambling Commission
Communications and Legal Department

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your license.


STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 19 day of September, 2012.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My Commission expires on December 2, 2015

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 19 day of September, 2012



Communications and Legal Department
Washington State Gambling Commission

